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DOCKET NO. 14411HUUS02U (NORT10-00073)

PATENT

Customer No. 33000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Utpal Datta, et al.
U.S. Serial No. : 10/044,814
Filed : January 11, 2002
For : CHECK POINTING OF PROCESSING CONTEXT OF NETWORK
ACCOUNTING COMPONENTS
Group No. : 2167
Examiner : (Not Yet Assigned)

BOX MISSING PARTS

Commissioner for Patents
Washington, D. C. 20231

Sir:

PETITION UNDER 37 C.F.R. §1.47(a)

Applicants (and/or the assignee of the entire interest) hereby petition that the present application be made by the signing inventors (Utpal Datta, Kevin Farrell, Timothy Landon and Norbert Gherisin) on behalf of themselves and the non-signing inventor (Jeffrey Rogers). The non-signing inventor, Jeffrey Rogers, is either unavailable or refuses to sign.

As proof of the pertinent facts evidencing the unavailability of, or refusal to sign by, the non-signing inventor, Jeffrey Rogers, the undersigned counsel states the following:

08/15/2002 BABRAHA1 00000039 10044814

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1. By letter dated March 15, 2002, the prior law firm (Finnegan, Henderson, et al) responsible for this patent application sent a copy of the application, along with a Combined Declaration and Power of Attorney, to co-inventor Mr. Jeffrey Rogers at 120 Coliseum Avenue, Apt. 206, Nashua, New Hampshire 03063.
2. During May, 2002, responsibility for prosecution of this application was transferred to the undersigned counsel, and shortly thereafter, the actual content of the patent application file was transferred from the prior law firm to the undersigned counsel.
3. The contents of the file received by the undersigned counsel did contain the executed Combined Declaration and Power of Attorney from co-inventors, Utpal Datta, Kevin Farrell, Timothy Landon and Norbert Gherisin, but did not include an executed Combined Declaration and Power of Attorney from co-inventor Jeffrey Rogers.
4. On June 18, 2002, the undersigned counsel contacted directory assistance and obtained telephone number (603) 889-8332 as the home phone number for co-inventor Jeffrey Rogers at 120 Coliseum Avenue, Apt. 206, Nashua, New Hampshire 03063.
5. On June 18, 2002, the undersigned counsel called the telephone number identified above and left a message for co-inventor Jeffrey Rogers regarding this patent application. No return phone call was received.

6. By letter dated July 3, 2002, the undersigned counsel forwarded, via Federal Express, a copy of the application and Combined Declaration and Power of Attorney to co-inventor Mr. Jeffrey Rogers at 120 Coliseum Avenue, Apt. 206, Nashua, New Hampshire 03063, and requesting execution of the application and return of executed documents. No executed documents have been received.
7. On July 11, 2002, the undersigned counsel again called the above-identified telephone number and left a message for Jeffrey Rogers regarding the Federal Express package and execution of the application. No return phone call was received.
8. In response to a request made by the undersigned counsel's assistant for delivery information for the Federal Express package mailed on July 3, 2002 to Jeffrey Rogers, Federal Express records indicate that the shipment to Mr. Jeffrey Rogers was delivered on July 5, 2002 at 1:43 p.m. and signed or released by J. ROGERS.
9. Attached are documents evidencing the foregoing.

The above statements and attached documents evidence the pertinent facts surrounding co-inventor Jeffrey Rogers' unavailability, or refusal to join in the present application.

The last known home address and phone number for co-inventor Jeffrey Rogers is:

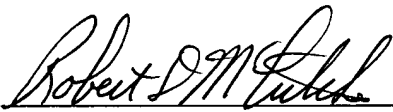
120 Coliseum Avenue, Apt. 206
Nashua, New Hampshire 03063
(603) 889-8332

Accordingly, the Applicants (and/or the assignee of the entire interest) request the Patent Office grant the instant Petition Under 37 C.F.R. §1.47(a).

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 08/05/2002



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